HIGH COURT OF JUDICATURE CHHATTISGARH : BILASPUR

SINGLE BENCH : HON'BLE SHRI S.R. NAYAK, C.J.

WRIT PETITION NO. 1624 OF 2003

PETITIONER Darshan Singh Chawla, aged about 52 years, S/o. Late Shri Sardar Singh chawla, Occupation business, Resident of Bahadur Ganj Ward, Kawardha, District Kawardha (CG).

Versus

RESPONDENT

1. Nirmal Singh Chawla, S/o. Late Sadar Singh Chawla, Resident of Bahadur Ganj, Ward No.14 Kawardha, Tehsil and District Kawardha (CG).
2. The Board of Revenue, Chhattisgarh, Circuit Court Raipur.
3. The Collector, Kawardha, District Kawardha (CG.)

Present: Smt. Renu Kochar, learned counsel for the petitioner.

(ORAL ORDER)
(Passed on 31st March, 2006)

This case arises out of mutation proceedings. It is needless to state that whatever may be the orders passed by the Revenue Authorities/ Courts shall be subject to a decree that may be passed by a competent Civil Court with regard to claimed rights of parties. The validity of the will could be gone into in a properly instituted suit before the jurisdictional Civil Court. The Revenue Courts are not competent to pronounce upon the validity of the will conclusively and finally. In that view of the matter, I am not inclined to entertain this writ petition. The writ petition is, therefore, dismissed. However, this order shall not come

in the way of the petitioner instituting a suit in a jurisdictional Civil Court for declaration and consequential other reliefs. No costs.

Sd/-
Chief Justice